

No. 217-4Lab-73/1197.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Executive Engineer, Haryana State Electricity Board, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 169 of 1971

Between

SHRI ARJUN LAL SETHI AND THE MANAGEMENT OF M/S EXECUTIVE ENGINEER,  
OPERATION DIVISION, HARYANA STATE ELECTRICITY BOARD, FARIDABAD

Present:—

Shri D.C. Bhardwaj, for the management.  
Nemo for the workman.

#### AWARD

By order No. ID/FD/204-D26997-27002, dated nil (received in this court on 27th September, 1971) of the Governor of Haryana, the following dispute between the management of M/s Executive Engineer, Operation Division, Haryana State Electricity Board, Faridabad and its workmen Shri Arjun Lal Sethi was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Arjun Lal Sethi was justified and in order ? If not, to what relief is he entitled ?”

Usual notices were given to the parties and they put in their respective written statements. The management pleaded that Shri Arjun Lal Sethi had been appointed as a T-Mate from 4th April, 1970 on the work charged establishment of S. S. E. and A. E. T/L Sub Division, Faridabad and his appointment was of a casual nature depending upon the increase or decrease of work-load. It was further urged that on the completion of crash programme for rural electrification the services of 40 such workers including Shri Arjun Lal Sethi were terminated with effect from 14th June, 1971 and the order was duly communicated to him in furtherance of a verbal notice given a month earlier. The management further pleaded that ever since his retrenchment Shri Arjun Lal Sethi had been gainfully employed somewhere else.

The workman concerned has not filed any replication to controvert the above pleas raised on behalf of the management. He has not even come forward to make his own statements in support of his claim nor is he represented by any person. Statement of Shri A. K. Bhambry, Senior Sub-Station Engineer of the Haryana State Electricity Board, Faridabad has been recorded. He has produced the statement Exhibit M. 1 showing the actual number of days for which Shri Arjun Lal Sethi had worked, 236 days in all. According to Shri Bhambry, Shri Arjun Lal Sethi had been temporarily employed as a T-Mate with effect from 2nd April, 1970 and after the completion of the rural electrification programme the workshop where he had been working has since been closed. He has further stated that Shri Arjun Lal Sethi has been paid his full dues upto the time he actually worked including bonus and if any other amount is found to be due to him as per the conditions of his service, the department would pay the same.

There is apparently no reason to disbelieve the statement of Shri Bhambry and I have to hesitate what ever in concluding that Shri Arjun Lal Sethi concerned workman had put-in work only for 236 days as a T-Mate on the work charged establishment which had since been closed on completion of the crash programme for rural electrification in Haryana. In the circumstances, the termination of his services by way retrenchment alongwith 40 workers as alleged by the management was justified. He has not come forward to show that his dues have not been paid in full. He is, therefore, not entitled to any relief in the present reference. The management has however, undertaken to pay to him whatever other amount is found due as per the conditions of service in the establishment.

For the reasons aforesaid, it is held that the termination of the services of Shri Arjun Lal Sethi was justified and in order and he is not entitled to any relief in the present reference. The award is made accordingly. No order as to costs.

Dated 29th December, 1972.

O.P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 3097, dated the 29th December, 1972

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.